

THE VIRGINIA BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS MEETING MINUTES

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 25, 2010, at the offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

The following members of the Board were present:

Colleen Becker
Christopher Chapman
Keith F. Cronan
Phillip Fincher
D. Bowen Hyatt
Brian Koepf
Thomas Joel Loving
Reginald Marston, III
Peter Palmer
Howard D. Varner
Dolores Daniels
Bonnie Atwood

The following staff members were present for part or all of the meeting:

Gordon Dixon, Director
David Dick, Executive Director
Jill Richardson, Board Administrator
Michele Atkinson, Board Administrator
Earlyne Perkins, Legal Analyst
Michelle Gowen, Administrative Assistant

There was no representative present from the Office of the Attorney General.

Mr. Cronan, finding a quorum of the Board present, called the meeting to order at 9:08 am.

Call to Order

A motion was made by Mr. Hyatt and seconded by Mr. Koepf to approve the agenda which was unanimously approved by Board members: Atwood, Chapman, Cronan, Fincher, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Varner. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Approval of Agenda

Ms. Becker moved that the Board approve the following minutes:

Approval of Board Minutes

Board Meeting Minutes – May 12, 2010;
IFF Minutes – June 3, 2010;

IFF Minutes – June 15, 2010;
IFF Minutes – June 17, 2010; and
Committee Meeting Minutes – July 22, 2010.

Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Fincher, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Varner. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

There were no comments made to the Board.

**Public Comment
Period**

Regarding **File Number 2010-04214, Robert Nunnally**, the Board members reviewed the application file, which consisted of the exhibits, transcript and the summary of the Informal Fact-Finding Conference. Mr. Nunnally was not present at the meeting. Ms. Becker moved to accept the summary of the IFF and deny Mr. Nunnally's asbestos supervisor application. Mr. Loving seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Fincher, Daniels, Koepf, Loving, Marston, Palmer and Varner. Mr. Hyatt was not present during the discussion or vote. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**File Number 2010-
04214, Robert
Nunnally**

Regarding **File Number 2010-04761, David Harper**, the Board members reviewed the application file, which consisted of the exhibits, transcript and the summary of the Informal Fact-Finding Conference. Mr. Harper was not present at the meeting. Mr. Varner moved to accept the summary of the IFF and approve Mr. Harper's asbestos supervisor application. Ms. Daniels seconded the motion which was approved by majority vote, members voting "Yes" were: Atwood, Cronan, Fincher, Daniels, Hyatt, Loving, Marston and Varner. Board members voting "No" were: Chapman, Koepf and Palmer. The motion passed with a majority vote. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

**File Number 2010-
04761, David
Harper**

Regarding **File Number 2010-04492, William Witcher**, the Board members reviewed the application file, which consisted of the exhibits, transcript and the summary of the Informal Fact-Finding Conference. Mr. Witcher was not present at the meeting. Ms.

**File Number 2010-
04492, William
Witcher**

Becker moved to accept the summary of the IFF and approve Mr. Witcher's lead worker application. Mr. Fincher seconded the motion which was unanimously approved members: Atwood, Chapman, Cronan, Fincher, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Varner. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Regarding **File Number 2010-04501, Charles Hicks**, the Board members reviewed the application file, which consisted of the exhibits, transcript and the summary of the Informal Fact-Finding Conference. Mr. Hicks was present at the meeting and addressed the Board. Ms. Becker moved to accept the summary of the IFF and approve Mr. Hicks' lead supervisor application. Mr. Marston seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Fincher, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Varner. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

File Number 2010-04501, Charles Hicks

Mr. Dick and Mr. Palmer discussed the Florida mold law with the Board members.

Other Business

The Board members were presented with draft language for an amendment to the Lead-Based Paint Activities Regulations to implement the NOIRA adopted at their last meeting. After review and discussion, the Board agreed that, pending a review of the NOIRA comments, they would consider allowing Lead-Based Paint activities individual licenses to be issued or renewed if the applicant's training is valid on the date of issuance or renewal.

After review and discussion, Ms. Becker moved to adopt the proposed regulations for RRP as amended. Mr. Chapman seconded the motion which was unanimously approved by members: Atwood, Becker, Chapman, Cronan, Fincher, Daniels, Hyatt, Koepf, Loving, Marston, Palmer and Varner.

Ms. Becker moved that the issuance of temporary licenses as authorized by § 54.1-201.1 of the Code of Virginia is not applicable and proposed the following language be adopted as 18VAC15-20-25 (Asbestos); 18VAC15-30-45 (Lead); and 18VAC15-40-15 (Home Inspectors) through an emergency regulation amendment: "the board shall not issue temporary licenses (certificates for Home

Inspectors) pursuant to § 54.1-201.1 of the Code of Virginia.” Mr. Chapman seconded the motion which was unanimously approved by members: Atwood, Chapman, Cronan, Fincher, Daniels, Hyatt, Koepf, Loving, Marston, Palmer, and Varner. Board member Colleen Becker was present but did not vote because, by statute, she is ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

The Board agreed by consensus that the RRP proposed regulations adopted earlier in this meeting shall be amended by staff to include the same language concerning temporary licenses adopted via emergency regulation for the asbestos, lead and home inspectors regulations.

The Board agreed by consensus to adopt the following 2011 meetings dates for the ALHI Board:

February 2, 2011 – Board Room 4
May 3, 2011 – Board Room 4
August 23, 2011 – Board Room 4
November 15, 2011 – Board Room 4

The following meeting dates have been scheduled:

**Future Meeting
Dates**

- November 10, 2010
- February 2, 2011
- May 3, 2011
- August 23, 2011
- November 15, 2011

Mr. Cronan, finding no further business to conduct, adjourned the meeting at 12:25 p.m.

Adjournment

Keith F. Cronan, Chair

Gordon Dixon, Secretary